

**U.S. DISTRICT COURT  
N.D. OF N.Y.  
FILED**

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

**OCT 23 2009**

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**UNITED STATES OF AMERICA,**

**LAWRENCE K. BAERMAN, CLERK**  
**Crim. No. 09-CR-ALBANY (GLS)**  
**1:09-CR-578**  
**INDICTMENT**

**v.**

**Vio: 18 U.S.C. § 1962(d);  
21 U.S.C. § 841(a)(1);  
21 U.S.C. § 846;  
18 U.S.C. § 521; and  
18 U.S.C. § 2**

- 1. TERRENCE ANTHONY, a/k/a T-Black, a/k/a Blacc,**
- 2. ELIJAH CANCER, a/k/a Sleeze, a/k/a Sleezy,**
- 3. MUNDHIR CONNOR, a/k/a Major, a/k/a Montana,**
- 4. WISTER FARMER, a/k/a Wisk, a/k/a Wist Daddy, a/k/a Wister,**
- 5. ERIC FOSTER, a/k/a E-Nasty,**
- 6. OWEN FURTHMAN, a/k/a Diz,**
- 7. JUSTIN GADDY, a/k/a J-Black,**
- 8. LADAWN HARRIS, a/k/a Nana, a/k/a Nash,**
- 9. ANAIRIAN KITTLE, a/k/a AK,**
- 10. MICHELLE KNICKERBOCKER,**
- 11. KWON LILLARD, a/k/a Killah,**
- 12. KOLBY MARTIN, a/k/a HG, a/k/a Hollywood, a/k/a H,  
a/k/a Holla Day, a/k/a Holly G,**
- 13. JOMEER MCNEAL, a/k/a Streets, a/k/a Meek Meek,**
- 14. WINFIELD C. NICHOLSON, a/k/a Champ, a/k/a Bamp,**
- 15. ALFONZO PARKER, a/k/a Phat Phat, a/k/a Fat Fat, a/k/a Phatz14,**
- 16. MARCEL PERRY, a/k/a Juxx, a/k/a Jooks,**
- 17. KENYAN POOLE, a/k/a KP,**
- 18. DUSHAWN POUGH, a/k/a Sixx, a/k/a Six,**
- 19. DERRICK RUFFIN, a/k/a D-Black,**
- 20. ELIJAH SIMS, a/k/a E, a/k/a E-Head,**
- 21. NAHMEL STRATTON, a/k/a Kid, a/k/a Kidco, a/k/a Biddy,**
- 22. NAKHEEM STRATTON, a/k/a Bayshawn, a/k/a Little Bay,**
- 23. DYJUAN TATRO, a/k/a Dy,**
- 24. KANAN TATRO, a/k/a Kanya, a/k/a Kane, a/k/a BK, and**
- 25. CHARLES THOMPSON, a/k/a Chuck, a/k/a Bula,**

**Defendants.**

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**THE GRAND JURY CHARGES:**

**COUNT ONE**

**RICO CONSPIRACY**

**I. THE ENTERPRISE**

1. At all times material to this Indictment, defendants:

TERRENCE ANTHONY a/k/a T-Black, a/k/a Blacc,  
ELIJAH CANCER, a/k/a Sleeze, a/k/a Sleezy,  
MUNDHIR CONNOR, a/k/a Major, a/k/a Montana,  
WISTER FARMER, a/k/a Wisk, a/k/a Wist Daddy, a/k/a Wister,  
ERIC FOSTER, a/k/a E-Nasty,  
JUSTIN GADDY, a/k/a J-Black,  
LADAWN HARRIS, a/k/a Nana, a/k/a Nash,  
ANAIRIAN KITTLE, a/k/a AK,  
KWON LILLARD, a/k/a Killah,  
KOLBY MARTIN, a/k/a HG, a/k/a Hollywood, a/k/a H,  
a/ka/ Holla Day, a/k/a Holly G,  
JOMEER MCNEAL, a/k/a Streets, a/k/a Meek Meek,  
WINFIELD C. NICHOLSON, a/k/a Champ, a/k/a Bamp,  
ALFONZO PARKER, a/k/a Phat Phat, a/k/a Fat Fat,  
a/k/a Phatz14,  
MARCEL PERRY, a/k/a Juxx, a/k/a Jooks,  
KENYAN POOLE, a/k/a KP,  
DUSHAWN POUGH, a/k/a Sixx, a/k/a Six,  
DERRICK RUFFIN, a/k/a D-Black,  
ELIJAH SIMS, a/k/a E, a/k/a E-Head,  
NAHMEL STRATTON, a/k/a Kid, a/ka/ Kidco, a/k/a Biddy,  
NAKEEM STRATTON, a/k/a Bayshawn, a/k/a Little Bay,  
DYJUAN TATRO, a/k/a Dy,  
KANAN TATRO, a/k/a Kanya, a/k/a Kane, a/k/a BK,  
CHARLES THOMPSON, a/k/a Chuck, a/k/a Bula,

and others, were members and associates of a criminal organization in Albany, New York, known as the Original Gangsta Killas, Orange Gambino Killas, or the "OGK" gang. They were formerly known as the "Black Gangstas" and are sometimes referred to as the "Downtown" gang. OGK gang members and associates engaged in criminal activities, including narcotics and marijuana

trafficking, attempted murder, robbery, and other crimes, within the Northern District of New York.

2. The OGK gang, including its leadership, members, and associates, constituted an "enterprise" as defined by Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact. The enterprise engaged in, and its activities affected, interstate and/or foreign commerce. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

**II. MANNER AND MEANS OF THE ENTERPRISE**  
**THE OGK GANG IN ALBANY, NEW YORK**

3. OGK gang members, including Defendants:

**TERRENCE ANTHONY a/k/a T-Black, a/k/a Blacc,  
ELIJAH CANCER, a/k/a Sleeze, a/k/a Sleezy,  
MUNDHIR CONNOR, a/k/a Major, a/k/a Montana,  
WISTER FARMER, a/k/a Wisk, a/k/a Wist Daddy, a/k/a Wister,  
JUSTIN GADDY, a/k/a J-Black,  
LADAWN HARRIS, a/k/a Nana, a/k/a Nash,  
ANAIRIAN KITTLE, a/k/a AK,  
KWON LILLARD, a/k/a Killah,  
KOLBY MARTIN, a/k/a HG, a/k/a Hollywood, a/k/a H,  
a/ka/ Holla Day, a/k/a Holly G,  
JOMEER MCNEAL, a/k/a Streets, a/k/a Meek Meek,  
WINFIELD C. NICHOLSON, a/k/a Champ, a/k/a Bamp,  
ALFONZO PARKER, a/k/a Phat Phat, a/k/a Fat Fat,  
a/k/a Phatz14,  
MARCEL PERRY, a/k/a Juxx, a/k/a Jooks,  
KENYAN POOLE, a/k/a KP,  
DUSHAWN POUGH, a/k/a Sixx, a/k/a Six,  
DERRICK RUFFIN, a/k/a D-Black,  
ELIJAH SIMS, a/k/a E, E-Head,  
NAHMEL STRATTON, a/k/a Kid, a/ka/ Kidco, a/k/a Biddy,  
NAKEEM STRATTON, a/k/a Bayshawn, a/k/a Little Bay,  
DYJUAN TATRO, a/k/a Dy,  
KANAN TATRO, a/k/a Kanya, a/k/a Kane, a/k/a BK,**

**CHARLES THOMPSON, a/k/a Chuck, a/k/a Bula,**

as well as their associate, **Eric Foster, a/k/a E-Nasty**, and others known and unknown, operated within and near a specifically defined geographic area known as the Downtown section of the City of Albany, New York, having established and maintained a territory within which they and their associates conducted their primary income producing ventures, which were robberies and the distribution of cocaine, cocaine base (crack), and marijuana. OGK gang members discouraged rival gang members who attempted to enter this geographic area and sell controlled substances there by use of violence, including physical assaults and shootings. To maintain control over their defined geographic area, OGK gang members regularly made firearms available to their members.

4. OGK gang members and their associates acted as both “wholesale” and “retail” distributors of cocaine base (crack) and marijuana. “Wholesale” narcotics distributors included **Dushawn Pough** and **Anairian Kittle**, who distributed cocaine base (crack) to “retail” narcotics traffickers who, in turn, sold crack in multi-gram, gram, and smaller amounts to users. To facilitate their narcotics sales, OGK gang members and associates used wireless cellular telephones, as well as brief “in- person” encounters and counter-surveillance techniques designed to avoid apprehension by law enforcement officers patrolling within their geographic area.

5. OGK gang members, including Defendants **Terrence Anthony, Mundhir Connor, Justin Gaddy, Anairian Kittle, Kwon Lillard, Winfield C. Nicholson, Marcel Perry, Dushawn Pough, Nakeem Stratton, Dyjuan Tatro**

**and Kanan Tatro**, possessed and engaged in acts of violence with firearms, including robberies and shootings of rival gang members and their associates. To that end, OGK gang members attempted to murder rival gang members by shooting at them; OGK gang members attempted to murder other individuals by shooting at them or stabbing/slashing them; and OGK gang members attempted to murder another individual that owed them a narcotics related debt. Gang members and defendants **Mundhir Connor** and **Dyjuan Tatro** travelled out of State, purchased firearms, and transported the firearms back to the Albany area to be shared by other OGK gang members.

6. OGK gang members, including defendants **Kwon Lillard**, **Marcel Perry**, **Kolby Martin**, and **Winfield C. Nicholson** participated in the production of music CDs, DVDs, and videotapes, some of which were posted on the Internet, which communicated the violent methods of OGK gang members and also warned of their intention to commit violent acts and retaliate for violent acts committed upon their members.

7. OGK gang members used telephone facilities to conduct narcotics-related business and to communicate with each other regarding other gang related matters, including: the status and activities of OGK gang members; the status and activities of rival gang members and associates; the commission of other criminal acts; and the status of law enforcement activities within their geographic area of operation. In addition, incarcerated gang members, including defendants **Terrence Anthony**, **Dyjuan Tatro**, and **Ladawn Harris**, utilized telephone facilities to request assistance from other gang members in the form of

money, clothing, letters, and/or photographs, and received updates on the status of other OGK gang members and members of rival gangs and associates.

**Terrence Anthony** also utilized telephone facilities to arrange the smuggling of contraband to him in a correctional facility.

8. OGK gang members, including defendants **Elijah Cancer, Dushawn Pough, Kanan Tatro**, and others, communicated about gang related business by written correspondence that encouraged continued gang membership, continued participation in narcotics dealing, and acts of violence against rival gang members. In addition, through written correspondence, **Alfonzo Parker** requested that narcotics be smuggled into a New York State correctional facility by an OGK gang associate.

### **III. THE RACKETEERING CONSPIRACY**

9. The Grand Jury incorporates by reference paragraphs 1 through 8 as though fully restated and realleged herein.

Beginning in about 2000, the exact date being unknown to the grand jury, and continuing thereafter up to the date of the Indictment, in the Northern District of New York and elsewhere, the defendants,

**TERRENCE ANTHONY a/k/a T-Black, a/k/a Blacc,  
ELIJAH CANCER, a/k/a Sleeze, a/k/a Sleezy,  
MUNDHIR CONNOR, a/k/a Major, a/k/a Montana,  
WISTER FARMER, a/k/a Wisk, a/k/a Wist Daddy, a/k/a Wister,  
ERIC FOSTER, a/k/a E-Nasty,  
JUSTIN GADDY, a/k/a J-Black,  
LADAWN HARRIS, a/k/a Nana, a/k/a Nash,  
ANAIIRIAN KITTLE, a/k/a AK,  
KWON LILLARD, a/k/a Killah,  
KOLBY MARTIN, a/k/a HG, a/k/a Hollywood, a/k/a H,  
a/ka/ Holla Day, a/k/a Holly G,  
JOMEK MCNEAL, a/k/a Streets, a/k/a Meek Meek,**

**WINFIELD C. NICHOLSON, a/k/a Champ., a/k/a Bamp,  
ALFONZO PARKER, a/k/a Phat Phat, a/k/a Fat Fat,  
a/k/a Phatz14,  
MARCEL PERRY, a/k/a Juxx, a/k/a Jooks,  
KENYAN POOLE, a/k/a KP,  
DUSHAWN POUGH, a/k/a Sixx, a/k/a Six,  
DERRICK RUFFIN, a/k/a D-Black,  
ELIJAH SIMS, a/k/a E,  
NAHMEL STRATTON, a/k/a Kid, a/ka/ Kidco, a/k/a Biddy,  
NAKEEM STRATTON, a/k/a Bayshawn, a/k/a Little Bay,  
DYJUAN TATRO, a/k/a Dy,  
KANAN TATRO, a/k/a Kanya, a/k/a Kane, a/k/a BK, and  
CHARLES THOMPSON, a/k/a Chuck, a/k/a Bula,**

together with others known and unknown to the grand jury, being persons employed by and associated with the enterprise known as the "OGK" gang described in paragraphs 1 through 8 of this Indictment, which enterprise engaged in, and the activities of which affected, interstate and/or foreign commerce, unlawfully, knowingly and intentionally, did combine, conspire, confederate, and agree together with each other and with others known and unknown to the grand jury, to violate Title 18, United States Code, Section 1962(c), that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of the enterprise through a pattern of racketeering activity, as those terms are defined in Title 18, United States Code, Sections 1961(1) and 1961(5), consisting of:

A. Multiple acts involving narcotics trafficking, including conspiracy to possess with intent to distribute and distribute more than 50 grams of cocaine base (crack), cocaine, and marijuana, and possession with intent to distribute and distribution of cocaine base (crack), cocaine, and marijuana, in violation of Title 21, United States Code, Sections 841(a) and 846; and

B. Multiple acts involving attempted murder and robbery chargeable under the following provisions of state law:

New York Penal Law Sections 125.25, 110.00 and 105.15 (murder, attempted murder, and conspiracy to commit murder); and

New York Penal Law Sections 160.15, 110.00, and 105.13 (robbery, attempted robbery, and conspiracy to commit robbery).

It was part of the conspiracy that each defendant agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the enterprise.

#### IV. OVERT ACTS

In furtherance of the conspiracy and in order to effect the objects thereof, the defendants and their co-conspirators, known and unknown to the grand jury, committed and caused to be committed the following overt acts, among others, in the Northern District of New York and elsewhere:

1. On or about January 6, 2000, in front of 33 Third Avenue, Albany, New York, **Ladawn Harris**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

2. On or about April 27, 2000, in the vicinity of 162 Third Avenue, Albany, New York, **Kenyan Poole**, a defendant herein, possessed for sale a quantity of cocaine base (crack).

3. On or about April 25, 2002, in the vicinity of 60 Osbourne Street, Albany, New York, **Kolby Martin**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

4. On or about June 22, 2003, in the vicinity of 15 Teunis Street, Albany, New York, **Alfonzo Parker**, a defendant herein, possessed for sale a quantity of marijuana.

5. On or about July 31, 2003, in the vicinity of 164 Catherine Street, Albany, New York, **Eric Foster**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

6. On or about November 5, 2003, in the vicinity of 5 Teunis Street, Albany, New York, **Marcel Perry**, a defendant herein, possessed for sale a quantity of imitation crack cocaine.

7. On or about February 6, 2004, in the vicinity of 17 View Street, Albany, New York, **Dyjuan Tatro**, a defendant herein, possessed for sale a quantity of cocaine base (crack).

8. On or about March 5, 2004, in the vicinity of 64 Clinton Street, Albany, New York, **Jomeek McNeal**, a defendant herein, possessed for sale a quantity of cocaine base (crack).

9. On or about May 22, 2004, at 711 Central Avenue, Albany, New York, **Mundhir Connor**, a defendant herein, possessed for sale a quantity of cocaine.

10. On or about June 13, 2004, in the vicinity of 5 Teunis Street, Albany, New York, **Dyjuan Tatro**, a defendant herein, possessed for sale a quantity of cocaine base (crack).

11. On or about July 28, 2004, in the vicinity of Third Avenue and Clinton Street, Albany, New York, **Marcel Perry**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

12. On or about July 29, 2004, at the corner of Clinton and Delaware Streets, Albany, New York, **Alfonzo Parker**, a defendant herein, possessed for sale a quantity of marijuana.

13. On or about August 25, 2004, in the vicinity of Saw Mill River Road and NYS Thruway, Ardsley, New York, **Nahmel Stratton**, a defendant herein, together with another gang member, possessed for sale a quantity of cocaine.

14. On or about December 2, 2004, in the vicinity of 354 South Pearl Street, Albany, New York, **Elijah Sims**, a defendant herein, possessed for sale a quantity of cocaine base (crack).

15. On or about January 5, 2005, in the vicinity of 123 Fourth Avenue, Albany, New York, **Derrick Ruffin**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

16. On or about January 20, 2005, in the vicinity of 82 Third Avenue, Albany, New York, **Mundhir Connor**, a defendant herein, distributed a quantity of cocaine base (crack) to another person, and also possessed for sale a quantity of cocaine base (crack).

17. On or about February 15, 2005, in the vicinity of 123 Fourth Avenue, Albany, New York, **Derrick Ruffin**, a defendant herein, possessed for sale a quantity of cocaine base (crack).

18. On or about February 22, 2005, in the vicinity of 51 Broad Street, Albany, New York, **Jomeek McNeal**, a defendant herein, distributed a quantity of crack cocaine to another person, and also possessed for sale a quantity of cocaine base (crack).

19. On or about February 22, 2005, in the vicinity of 51 Broad Street, Albany, New York, **Dushawn Pough**, a defendant herein, possessed for sale a quantity of cocaine base (crack).

20. On or about February 28, 2005, in the vicinity of 261 Sheridan Avenue, Albany, New York, **Alfonzo Parker**, a defendant herein, possessed for sale a quantity of cocaine base (crack).

21. On or about February 28, 2005, in the vicinity of 261 Sheridan Avenue, Albany, New York, **Nahmel Stratton**, a defendant herein, possessed for sale a quantity of marijuana.

22. On or about March 10, 2005, in the vicinity of 117 Broad Street, Albany, New York, **Kwon Lillard**, a defendant herein, possessed for sale a quantity of cocaine base (crack).

23. On or about April 15, 2005, in the vicinity of 72 Broad Street, Albany, New York, **Kolby Martin**, a defendant herein, possessed for sale a quantity of marijuana.

24. On or about July 18, 2005, in the vicinity of 303 Orange Street, Albany, New York, **Nakeem Stratton**, a defendant herein, possessed for sale a quantity of marijuana.

25. From on or about September 1, 2005, through March 3, 2006, in the vicinity of Albany, New York, **Eric Foster**, the defendant herein, possessed for sale a quantity of cocaine base (crack).

26. On or about September 20, 2005, in the vicinity of 141 Fourth Avenue, Albany, New York, **Charles Thompson**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

27. On or about September 27, 2005, in the vicinity of 326 Orange Street, Albany, New York, **Nakeem Stratton**, a defendant herein, possessed for sale a quantity of marijuana.

28. On or about October 3, 2005, in the vicinity of 141 Fourth Avenue, Basement, Albany, New York, **Charles Thompson**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

29. On or about October 10, 2005, in the vicinity of 5 Teunis Street, Albany, New York, **Kenyan Poole**, a defendant herein, possessed for sale a quantity of marijuana.

30. On or about December 6, 2005, in the vicinity of 249 Green Street, Albany, New York, **Terrence Anthony**, a defendant herein, distributed a quantity of marijuana to another person.

31. On or about January 28, 2006, in the vicinity of 31 Holland Avenue, Albany, New York, **Elijah Cancer**, a defendant herein, possessed for sale a quantity of marijuana.

32. On or about June 7, 2006, in the vicinity of 1 Ramsey Place, Albany, New York, **Kwon Lillard**, a defendant herein, possessed for sale a quantity of cocaine base (crack).

33. On or about March 7, 2007, in the vicinity of 275 Colonie Street, Albany, New York, **Nahmel Stratton**, a defendant herein, possessed for sale a quantity of marijuana.

34. On or about March 28, 2007, in the vicinity of 22 Delaware Street, Albany, New York, **Wister Farmer**, a defendant herein, possessed for sale a quantity of cocaine base (crack) and a quantity of marijuana.

35. On or about June 22, 2007, in the vicinity of 58 Catherine Street, Albany, New York, **Charles Thompson**, a defendant herein, possessed for sale a quantity of marijuana.

36. On or about September 25, 2007, in the vicinity of 11 Osbourne Street, Albany, New York, **Nahmel Stratton**, a defendant herein, distributed 5.8 grams of cocaine base (crack) to another person.

37. On or about October 30, 2007, in the vicinity of 627 South Pearl Street, Albany, New York, **Ladawn Harris**, a defendant herein, possessed for sale a quantity of cocaine base (crack).

38. On or about February 19, 2008, in the vicinity of 18 Trinity Place, Albany, New York, **Elijah Cancer**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

39. On or about March 1, 2008, in the vicinity at 126 Arch Street, Albany, New York, **Elijah Cancer**, a defendant herein, possessed for sale a quantity of marijuana.

40. On or about April 2, 2008, in the vicinity of 31 Third Avenue, Albany, New York, **Charles Thompson**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

41. On or about May 2, 2008, in the vicinity of 6 Teunis Street, Albany, New York, **Anairian Kittle**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

42. On or about May 6, 2008, in the vicinity of 6 Teunis Street, Albany, New York, **Wister Farmer**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

43. On or about June 18, 2008, in the vicinity of Fourth Avenue and Clinton Street, Albany, New York, **Jomeek McNeal**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

44. On or about June 25, 2008, at 104 Herkimer Street, Albany, New York, **Wister Farmer**, a defendant herein, possessed for sale a quantity of cocaine base (crack).

45. On or about July 9, 2008, in the vicinity of 130 Fourth Avenue, Albany, New York, **Charles Thompson**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

46. On or about October 14, 2008, in the vicinity of 11 Teunis Street, Albany, New York, **Dushawn Pough**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

47. On or about October 20, 2008, in the vicinity of 124 Fourth Avenue, Albany, New York, **Anairian Kittle**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

48. On or about October 21, 2008, in the vicinity of Bassett and Franklin Streets, Albany, New York, **Anairian Kittle** and **Elijah Sims**, defendants herein, distributed a quantity of cocaine base (crack) to another person.

49. On or about October 29, 2008, in the vicinity of 124 Fourth Avenue, Albany, New York, **Anairian Kittle**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

50. On or about December 16, 2008, in the vicinity of Plum and Franklin Streets, Albany, New York, **Elijah Sims**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

51. On or about December 18, 2008, in the vicinity of 7 Teunis Street, Albany, New York, **Dushawn Pough**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

52. On or about December 30, 2008, in the vicinity of 7 Teunis Street, Albany, New York, **Dushawn Pough**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

53. On or about January 13, 2009, in the vicinity of 24 Second Avenue, Albany, New York, **Dushawn Pough**, a defendant herein, distributed 6.3 grams of cocaine base (crack) to another person.

54. On or about January 21, 2009, in the vicinity of 7 Teunis Street, Albany, New York, **Dushawn Pough**, a defendant herein, distributed 7.4 grams of cocaine base (crack) to another person.

55. On or about January 23, 2009, in the vicinity of 7 Teunis Street, Albany, New York, **Dushawn Pough**, a defendant herein, distributed 5.2 grams of cocaine base (crack) to another person.

56. On or about January 30, 2009, in the vicinity of 7 Teunis Street, Albany, New York, **Elijah Sims**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

57. On or about February 4, 2009, in the vicinity of 7 Teunis Street, Albany, New York, **Dushawn Pough**, a defendant herein, distributed 6.1 grams of cocaine base (crack) to another person.

58. On or about February 11, 2009, in the vicinity of 7 Teunis Street, Albany, New York, **Dushawn Pough**, a defendant herein, distributed 27 grams of cocaine base (crack) to another person.

59. On or about February 18, 2009, in the vicinity of 130 Fourth Avenue, Albany, New York, **Justin Gaddy**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

60. On or about March 10, 2009, in the vicinity of at 7 Teunis Street, Albany, New York, **Anairian Kittle**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

61. On or about March 17, 2009, in the vicinity of 7 Teunis Street, Albany, New York, **Dushawn Pough**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

62. On or about March 18, 2009, in the vicinity of 31 Holland Avenue, Albany, New York, **Dushawn Pough**, a defendant herein, distributed 22.7 grams of cocaine base (crack) to another person.

63. On or about March 25, 2009, in the vicinity of 133 Fourth Avenue, Albany, New York, **Nahmel Stratton**, a defendant herein, possessed for sale a quantity of marijuana.

64. On or about March 31, 2009, in the vicinity of 138 Franklin Street, Albany, New York, **Kwon Lillard**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

65. On or about April 1, 2009, in the vicinity of 7 Teunis Street, Albany, New York, **Justin Gaddy**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

66. On or about April 3, 2009, in the vicinity of 126 Arch Street, South Station, Albany, New York, **Ladawn Harris**, a defendant herein, possessed for sale 5.2 grams of cocaine base (crack).

67. On or about April 8, 2009, in the vicinity of 130 Fourth Avenue, Albany, New York, **Derrick Ruffin**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

68. On or about April 21, 2009, in the vicinity of Third Avenue and Teunis Street, Albany, New York, **Derrick Ruffin**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

69. On or about April 22, 2009, in the vicinity of Fourth Avenue and South Pearl Street, Albany, New York, **Ladawn Harris**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

70. On or about April 23, 2009, in the vicinity of 7 Teunis Street, Albany, New York, **Dushawn Pough**, a defendant herein, distributed 24.1 grams of cocaine base (crack) to another person.

71. On or about April 29, 2009, in the vicinity of 130 Fourth Avenue, Albany, New York, **Ladawn Harris**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

72. On or about May 5, 2009, at Fourth Avenue and Pearl Street, Albany, New York, **Ladawn Harris**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

73. On or about May 5, 2009, at Schuyler and Clinton Streets, Albany, New York, **Kwon Lillard**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

74. On or about May 14, 2009, in the vicinity of South Pearl Street and Fourth Avenue, Albany, New York, **Elijah Sims**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

75. On or about May 18, 2009, in the vicinity of 134 Fourth Avenue, Albany, New York, **Elijah Sims**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

76. On or about June 3, 2009, in the vicinity of 113 Fourth Avenue, Albany, New York, **Justin Gaddy**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

77. On or about June 26, 2009, in the vicinity of 30 Stephen Street, Albany, New York, **Jomeek McNeal**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

78. On or about July 14, 2009, in the vicinity of 113 Fourth Avenue, Albany, New York, **Anairian Kittle**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

79. On or about August 13, 2009, in the vicinity of Clinton Street and Fourth Avenue, Albany, New York, **Elijah Sims**, a defendant herein, distributed a quantity of cocaine base (crack) to another person.

80. On or about May 9, 2001, in the vicinity of Fourth Avenue and Broad Street, Albany, New York, **Kolby Martin**, a defendant herein, together with another OGK gang member, robbed another person.

81. On or about April 10, 2002, in the vicinity of Broad and Schuyler Streets, Albany, New York, **Dushawn Pough**, a defendant herein, together with another person, robbed another person.

82. On or about October 5, 2002, in the vicinity of 125 Delaware Avenue, Albany, New York, **Dyjuan Tatro**, a defendant herein, together with another OGK gang member, robbed another person.

83. On or about October 16, 2003, in the vicinity of 646 Clinton Avenue, Albany, New York, defendant **Dyjuan Tatro**, together with defendant **Terrence Anthony** and other OGK gang members, stabbed and cut another person with a razor.

84. On or about November 18, 2004, in the vicinity of First and Quail Streets, Albany, New York, **Kwon Lillard**, a defendant herein, discharged a firearm at a rival gang member and shot him.

85. On or about May 5, 2005, in the vicinity of 230 Green Street, Albany, New York, defendants **Mundhir Connor** and **Nakeem Stratton**, together with another OGK gang member, discharged firearms at rival gang members.

86. On or about June 15, 2005, in the vicinity of Henry Johnson Boulevard and Livingston Avenue, Albany, New York, defendant **Kanan Tatro**, together with defendant **Dyjuan Tatro**, discharged a firearm at a rival gang member and shot him.

87. On or about February 17, 2006, in the vicinity of 301 Washington Avenue, Albany, New York, **Dyjuan Tatro**, a defendant herein, discharged a firearm at rival gang members and shot them.

88. On or about March 26, 2006, in the vicinity of Central and Lexington Avenues, Albany, New York, defendant **Winfield C. Nicholson**, together with

defendants **Dushawn Pough** and **Justin Gaddy**, discharged a firearm at a rival gang member.

89. On or about March 26, 2006, in the vicinity of Bradford and Lexington Streets, Albany, New York, defendant **Dushawn Pough**, together with defendants **Elijah Cancer**, **Kolby Martin**, **Nahmel Stratton**, and **Nakeem Stratton**, discharged a firearm at a rival gang member and shot him.

90. On or about August 22, 2006, in the vicinity of 343 First Street, Albany, New York, **Terrence Anthony**, **Nakeem Stratton**, and **Kanan Tatro** defendants herein, discharged firearms at rival gang members and others and shot four people.

91. On or about September 25, 2006, in the vicinity of Morton Avenue and Eagle Street, Albany, New York, defendant **Justin Gaddy**, together with defendant **Kwon Lillard**, and other OGK gang members, discharged a firearm at a rival gang member.

92. On or about December 15, 2006, in the vicinity of 337 Sherman Street, Albany, New York, **Kanan Tatro**, a defendant herein, together with other OGK gang members, discharged a firearm at other people.

93. On or about March 25, 2007, in the vicinity of 13 Delaware Street, Albany, New York, an OGK gang member, together with defendants **Marcel Perry** and **Justin Gaddy**, discharged a firearm at another person and shot him.

94. On or about May 28, 2007, in the vicinity 115 Green Street, Albany, New York, **Derrick Ruffin**, a defendant herein, together with other OGK gang members, robbed another person.

95. On or about October 23, 2007, in the vicinity of Broad and Clinton Streets, Albany, New York, defendant **Justin Gaddy**, together with defendant **Anairian Kittle**, discharged a firearm at another person.

96. On or about June 15, 2008, in the vicinity of 120 Madison Avenue, Albany, New York, an OGK gang member, together with defendant **Alfonzo Parker** and another person, discharged a firearm at another person.

97. On or about February 11, 2009, in the vicinity of South Swan Street and Madison Avenue, Albany, New York, defendant **Winfield C. Nicholson** discharged a firearm at rival gang members and another person.

98. On or about March 9, 2009, in the vicinity of Second and Quail Streets, Albany, New York, an OGK gang member, together with defendant **Winfield C. Nicholson**, and another OGK gang member, discharged a firearm at other persons.

All in violation of Title 18, United States Code, Section 1962(d).

#### **CONCERNING COUNT ONE**

#### **THE GRAND JURY FURTHER CHARGES THAT:**

Beginning in about 2000, the exact date being unknown to the grand jury, and continuing thereafter up to the date of the Indictment, in the Northern District of New York and elsewhere, the racketeering activity of the defendants,

**TERRENCE ANTHONY a/k/a T-Black, a/k/a Blacc,  
ELIAJAH CANCER, a/k/a Sleeze, a/k/a Sleezy,  
MUNDHIR CONNOR, a/k/a Major, a/k/a Montana,  
WISTER FARMER, a/k/a Wisk, a/k/a Wist Daddy, a/k/a Wister,  
ERIC FOSTER, a/k/a E-Nasty,  
JUSTIN GADDY, a/k/a J-Black,  
LADAWN HARRIS, a/k/a Nana, a/k/a Nash,  
ANAIRIAN KITTLE, a/k/a AK,**

**KWON LILLARD, a/k/a Killah,  
KOLBY MARTIN, a/k/a HG, a/k/a Hollywood, a/k/a H,  
a/ka/ Holla Day, a/k/a Holly G,  
JOMEER MCNEAL, a/k/a Streets, a/k/a Meek Meek,  
WINFIELD C. NICHOLSON, a/k/a Champ., a/k/a Bamp,  
ALFONZO PARKER, a/k/a Phat Phat, a/k/a Fat Fat,  
a/k/a Phatz14,  
MARCEL PERRY, a/k/a Juxx, a/k/a Jooks,  
KENYAN POOLE, a/k/a KP,  
DUSHAWN POUGH, a/k/a Sixx, a/k/a Six,  
DERRICK RUFFIN, a/k/a D-Black,  
ELIJAH SIMS, a/k/a E,  
NAHMEL STRATTON, a/k/a Kid, a/ka/ Kidco, a/k/a Biddy,  
NAKEEM STRATTON, a/k/a Bayshawn, a/k/a Little Bay,  
DYJUAN TATRO, a/k/a Dy,  
KANAN TATRO, a/k/a Kanya, a/k/a Kane, a/k/a BK, and  
CHARLES THOMPSON, a/k/a Chuck, a/k/a Bula,**

included knowingly and intentionally conspiring and agreeing with each other and others to possess with intent to distribute and distribute 50 or more grams of a mixture or substance containing cocaine base in the form of crack cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 846 and 841(a)(1), subjecting the defendants to the penalty provisions of Title 21, United States Code, Section, 841(b)(1)(A), and Title 18, United States Code, Section 1963.

**THE GRAND JURY CHARGES:**

**COUNT TWO**

**CONSPIRACY TO POSSESS WITH INTENT TO DISTRIBUTE  
AND TO DISTRIBUTE CONTROLLED SUBSTANCES**

Beginning sometime in about 2000, the exact date being unknown, and continuing thereafter up to and including the date of this Indictment, in the State and Northern District of New York and elsewhere,

TERRENCE ANTHONY a/k/a T-Black, a/k/a Blacc,  
ELIJAH CANCER, a/k/a Sleeze, a/k/a Sleezy,  
MUNDHIR CONNOR, a/k/a Major, a/k/a Montana,  
WISTER FARMER, a/k/a Wisk, a/k/a Wist Daddy, a/k/a Wister,  
ERIC FOSTER, a/k/a E-Nasty,  
OWEN FURTHMANN, a/k/a Diz,  
JUSTIN GADDY, a/k/a J-Black,  
LADAWN HARRIS, a/k/a Nana, a/k/a Nash,  
ANAIRIAN KITTLE, a/k/a AK,  
MICHELLE KNICKERBOCKER,  
KWON LILLARD, a/k/a Killah,  
KOLBY MARTIN, a/k/a HG, a/k/a Hollywood, a/k/a H,  
a/ka/ Holla Day, a/k/a Holly G,  
JOMEER MCNEAL, a/k/a Streets, a/k/a Meek Meek,  
WINFIELD C. NICHOLSON, a/k/a Champ. a/k/a Bamp,  
ALFONZO PARKER, a/k/a Phat Phat, a/k/a Fat Fat,  
a/k/a Phatz14,  
MARCEL PERRY, a/k/a Juxx, a/k/a Jooks,  
KENYAN POOLE, a/k/a KP,  
DUSHAWN POUGH, a/k/a Sixx, a/k/a Six,  
DERRICK RUFFIN, a/k/a D-Black,  
ELIJAH SIMS, a/k/a E,  
NAHMEL STRATTON, a/k/a Kid, a/ka/ Kidco, a/k/a Biddy,  
NAKEEM STRATTON, a/k/a Bayshawn, a/k/a Little Bay,  
DYJUAN TATRO, a/k/a Dy,  
KANAN TATRO, a/k/a Kanya, a/k/a Kane, a/k/a BK, and  
CHARLES THOMPSON, a/k/a Chuck, a/k/a Bula,

the defendants herein, did knowingly and intentionally combine, conspire, confederate and agree with each other and others, to possess with intent to

distribute and to distribute marijuana, a Schedule I controlled substance, and cocaine and cocaine base (crack), Schedule II controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 846.

The quantity of cocaine base (crack) involved in the conspiracy exceeded 50 grams; thus, the defendants are subject to the penalty provisions of Title 21, United States Code, Section 841(b)(1)(A).

Defendants **Elijah Cancer, Mundhir Connor, Kwon Lillard, Alfonzo Parker, Derrick Ruffin, Elijah Sims, Nakeem Stratton, and Charles Thompson** committed this offense after one or more prior convictions for a felony drug offense had become final, thus subjecting them to increased punishment under Title 21, United States Code, Section 841(b).

**ENHANCED PENALTY ALLEGATION  
CRIMINAL STREET GANG**

**TITLE 18, UNITED STATES CODE, SECTION 521**

1. Counts 1 and 2 of this Indictment are hereby incorporated herein as if set forth in their entirety.

2. Beginning in or about 2000, the exact date being unknown, and continuing up to and including the date of this Indictment, the OGK gang was a "criminal street gang" as that term is defined in Title 18, United States Code, Section 521(a), that is: an ongoing group, club, organization and association of five or more persons that (A) has as one of its primary purposes the commission

of one or more of the criminal offenses described in Title 18, United States Code, Section 521(c); (B) the members of which engaged in, and have engaged within the past five years, in a continuing series of offenses described in Title 18, United States Code, Section 521(c); and (C) the activities of which affected interstate and/or foreign commerce.

3. The offenses charged in Counts 1 and 2 of the Indictment, that is violations of Title 18, United States Code, Section 1962(d) and Title 21, United States Code, Sections 841(a)(1) and 846, are offenses described in Title 18, United States Code, Section 521(c).

4. At all times relevant to Counts 1 and 2 of this Indictment, the defendants

**ELIJAH CANCER, a/k/a Sleeze, a/k/a Sleezy,  
MUNDHIR CONNOR, a/k/a Major, a/k/a Montana,  
KWON LILLARD, a/k/a Killah,  
ALFONZO PARKER, a/k/a Phat Phat, a/k/a Fat Fat,  
a/k/a Phatz14,  
DERRICK RUFFIN, a/k/a D-Black,  
ELIJAH SIMS, a/k/a E, a/k/a E-Head,  
NAKEEM STRATTON, a/k/a Bayshawn, a/k/a Little Bay, and  
CHARLES THOMPSON, a/k/a Chuck, a/k/a Bula,**

who committed the offenses charged in Counts 1 and 2 of the Indictment, were persons who:

A. Participated in the OGK gang with knowledge that its members engaged in and had engaged in a continuing series of offenses described in Title 18, United States Code, Section 521(c), that is, among others, the offenses charged in Counts 1 and 2 of this Indictment;

B. Intended to promote and further the felonious activities of the OGK gang, and maintained and increased their position therein; and

C. At the time of the offenses charged in Counts 1 and 2 of this Indictment, had been convicted within the past five years of an offense specified in Title 18, United States Code, Section 521(d)(3), as detailed below.

**a. Elijah Cancer**

On or about April 7, 2008, **Elijah Cancer**, a defendant herein, was convicted of Criminal Sale of a Controlled Substance in the Fifth Degree, a Class D Felony, in violation of New York Penal Law §220.31, and was sentenced on June 23, 2008, to Time Served and 5 years probation.

**b. Mundhir Connor**

On or about May 23, 2005, **Mundhir Connor**, a defendant herein, was convicted of Criminal Sale of a Controlled Substance in the Fifth Degree, a Class D Felony, in violation of New York Penal Law §220.31. On or about August 2, 2005, **Connor** was sentence to 2 ½ years jail.

**c. Kwon Lillard**

On or about November 21, 2006, **Kwon Lillard**, a defendant herein, was convicted of Criminal Sale of a Controlled Substance in the Fifth Degree, a Class D Felony, in violation of New York Penal Law §220.31, and was sentenced on or about January 23, 2007, to 18 months incarceration and 1 year post release supervision.

**d. Alfonzo Parker**

On or about April 26, 2005, Alfonzo Parker was convicted of Criminal Possession of a Controlled Substance in the Fifth Degree, a Class D Felony, in violation of Penal Law §220.06-05, and on or about March 2, 2006, he was sentenced to 5 years probation.

**e. Derrick Ruffin**

On or about April 6, 2005, **Derrick Ruffin**, a defendant herein, was convicted of Criminal Sale of a Controlled Substance in the Third Degree, a Class B Felony, in violation of New York Penal Law §220.39-01, and on or about June 7, 2005, he was sentenced to 2 years incarceration.

**f. Elijah Sims**

On or about April 11, 2005, **Elijah Sims**, a defendant herein, was convicted of Criminal Possession of a Controlled Substance in the Fifth Degree, a Class D Felony, in violation of New York Penal Law §220.06-05, and was sentenced on or about June 13, 2005 to an indeterminate term of imprisonment of 1 to 3 years.

**g. Nakeem Stratton**

On or about February 15, 2006, **Nakeem Stratton**, a defendant herein, was convicted of Criminal Possession of Marijuana in the Third Degree, a Class E Felony, in violation of New York Penal Law §221.20, and was sentenced to 6 months jail and 5 years probation. However, upon a violation of probation he was re-sentenced on or about April 17, 2007, to 1 year incarceration.

**h. Charles Thompson**

On or about March 17, 2006, Charles Thompson, a defendant herein, was convicted of Criminal Sale of a Controlled Substance in the Fifth Degree, a Class D Felony, in violation of New York Penal Law §220.31, and on or about May 23, 2006, he was sentenced to 6 months jail and 5 years Probation.

**5. Accordingly, defendants**

**ELIJAH CANCER, a/k/a Sleeze, a/k/a Sleezy,  
MUNDHIR CONNOR, a/k/a Major, a/k/a Montana,  
KWON LILLARD, a/k/a Killah,  
ALFONZO PARKER, a/k/a Phat Phat, a/k/a Fat Fat,  
a/k/a Phatz14,  
DERRICK RUFFIN, a/k/a D-Black,  
ELIJAH SIMS, a/k/a E, a/k/a E-Head,  
NAKEEM STRATTON, a/k/a Bayshawn, a/k/a Little Bay, and  
CHARLES THOMPSON, a/k/a Chuck, a/k/a Bula,**

are subject to the penalty provisions of Title 18, United States Code, Section 521.

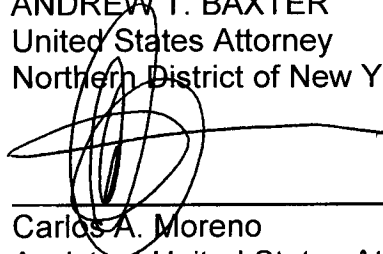
Dated: October 23, 2009

**A TRUE BILL,**

  
**FOREPERSON OF THE GRAND JURY**

**ANDREW T. BAXTER**  
United States Attorney  
Northern District of New York

By: \_\_\_\_\_

  
**Carlos A. Moreno**  
Assistant United States Attorney  
Bar Roll No. 105079